

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:17CR00262-1 HEA
)	
NANCY J. PORTER,)	
)	
Defendant.)	

DEFENDANT'S NOTICE FOR REQUEST
FOR VARIANCE OF OFFENSE LEVEL

COMES NOW Defendant, Nancy J. Porter, by and through her attorney, Mark L. Williams of Meyer, McClamroch & Williams, LLC and for her Request for Variance of the Offense Level set forth in the Presentence Investigation Report states to the Court as follows:

1. On August 1, 2017, the United States District Court, Eastern District of Missouri, Probation Office filed its Presentence Investigation Report.
2. Pursuant to Defendant's plea agreement with the Government, Defendant has not, and will not, file any Objections to the Presentence Investigation Report. Defendant agrees with the Offense Level and Criminal History Category as set forth in the Presentence Investigation Report.
3. In paragraph 41, the Presentence Investigation Report correctly states that Defendant's offense level is 18 and this places Defendant in Zone D of the Sentencing Table.

4. Defendant requests that this Court enter an order for a variance of the U.S.S.G. range of punishment, twenty-seven (27) to thirty-three (33) months pursuant to 18 U.S.C. 3553(b)(1); Section 5K2.0(a)(2)(A) and (B) and Section 5H1.4 of the Sentencing Guidelines for the following reasons:

a. Defendant verily believes that there exists a mitigating circumstance of a kind, or to a degree, not adequately taken into consideration by the Sentencing Commission. On February 27, 2015, Defendant voluntarily allowed all of her previously issued Missouri insurance licenses to lapse. Thereafter in June, 2015, Defendant executed a Consent Order with the Missouri Department of Insurance agreeing that she would be barred from renewal and/or making reapplication for any insurance licenses. This fact is significant as it provides protection for the public from the Defendant committing any further crimes. While Defendant has already been given a three (3) point reduction in the computation of the offense level for her cooperation in this matter, her voluntary act of surrendering her insurance licenses saved the State of Missouri great expense of having to proceed with an involuntary termination of her licenses.

b. Defendant further believes that there exists another mitigating circumstance of a kind, or to a degree, not adequately taken into consideration by the Sentencing Commission. Although the Presentence Investigation Report discusses Defendant's general health, Defendant is suffering from degenerative joints, more particularly her knees are in poor condition and will eventually need replacement.

c. Defendant further believes that there exists another mitigating circumstance of a kind, or to a degree, not adequately taken into consideration by the

Sentencing Commission. While Defendant is unaware of the position of all of the victims in this case, she is aware of the support of some victims for her in this case. This is an unusual circumstance as the Court rarely has situations where victims support a defendant in a request for a downward departure.

WHEREFORE, Defendant, Nancy J. Porter, based upon the reasons identified in the Presentence Investigation Report and the reasons set forth herein, respectfully requests that this Court enter an order granting Defendant a downward departure from the mandates of the United States Sentencing Guidelines and grant Defendant probation and/or home confinement and probation and for such other and further orders as this Court deems just and proper in the premises.

Respectfully submitted,

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ATTORNEYS FOR DEFENDANT

By: 

Mark L. Williams

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and copy of the foregoing Request for Variance was sent to Ms. Gwendolyn Carroll, Assistant United States Attorney on this 21st day of August, 2017 via the United States District Court for the Eastern District of Missouri's e-file system.



Mark L. Williams